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ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET,
SUITE 4000
CHARLOTTE, NC 28280-4000

In re Application of

Louis Panaccione

Application No. 10/086,509

Filed: February 28, 2002

Attorney Docket No. PURP01/0010

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FEB 06 2007

OFFICE OF PETITIONS

: DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed, December 22, 2006, to revive the above-identified application.

The petition is **GRANTED**.

The above-cited application became abandoned for failure to reply in a timely manner to the non-final Office action mailed June 16, 2003, which set a shortened statutory period for reply of three (3) months from its mailing date. No extension of time pursuant to 37 CFR 1.136(a) was obtained within the allowable period. Accordingly, the application became abandoned on September 17, 2003. A Notice of Abandonment was mailed January 23, 2004.

The above-identified application has been abandoned for an extended period of time. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting the statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178; 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109) (applicant obligated under 37 CFR 10.18 to inquire into the underlying facts and circumstances when providing the statement required by 37 CFR 1.137(b) to the Patent and Trademark Office).

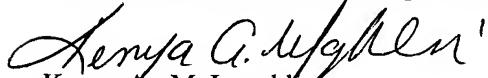
Deposit account 16-0605 will be charged \$750.00 for the instant petition fee.

The amendment filed December 22, 2006, is noted.

The communication regarding revocation of power of attorney, filed December 22, 2006, is noted and made of record.

The application is being forwarded to Technology Center 3700, GAU 3728 for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.



Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

Enclosure:

“Notice of Acceptance of Power of Attorney”
“Notice Regarding Change of Power of Attorney”



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APPLICATION NUMBER	FILING OR 371 (C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/086,509	02/28/2002	Louis J. Panaccione	PURP01/0010

CONFIRMATION NO. 2163

Timothy J. Shea II, Esq.
 Suite H-322
 200 Linden Street
 Wellesley, MA 02482



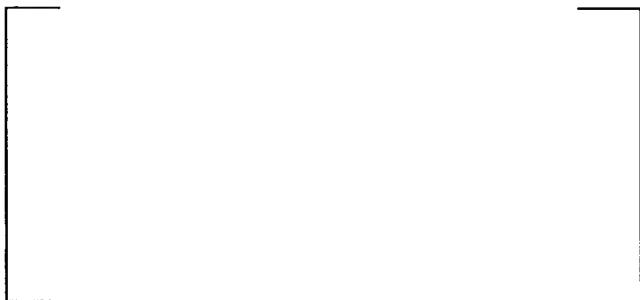
OC000000022308193

Date Mailed: 02/02/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/22/2006.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).




 KENYA A'THORNTON MCLAUGHLIN
 OP (571) 272-3222

NEW ATTORNEY/AGENT COPY



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826
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OC00000022308205

Date Mailed: 02/02/2007

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/22/2006.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.


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